GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:483
ANSWERED ON:19.07.2017
Non-Imposition of Penalty
Singh Dr. Prabhas Kumar

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) the details of imposition of penalty prescribed for negligence of complaints with regard to RTI Act, 2005;
(b) the total number of cases in which penalty was imposed by various Information Commissions including Central Information Commission (CIC) during the last three years;
(c) whether it is reported that in a number of cases, the penalty has not been paid by various officials; and
(d) if so, the details thereof and the action taken against such officials/ departments?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (DR. JITENDRA SINGH)

(a): Section 20 (1) of the Right to Information Act, 2005 provides that where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:
Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(b): In so far the Central Information Commission is concerned, penalty was imposed in 138 number of cases in the year 2013-14, 44 cases in the year 2014-15 and 54 cases in the year 2015-16. No data is centrally maintained for State Information Commissions.

(c) & (d): Recovery of penalty amount from penalized officials is done by Public Authorities from their salaries. This is a continuous process. The recoveries are monitored by Central Information commission. Reminders are issued to Public Authorities when necessary.

*****